



CITY COUNCIL MEETING AGENDA

February 14, 2011

City Council Chambers
12000 Findley Road, Suite 300
<http://www.JohnsCreekGA.gov>

7:00pm

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) OPENING REMARKS

E) MINUTES

- Consideration of 1-24-2011 Work Session Summary and Council Meeting Minutes and the 1-31-2011 Work Session Summary

F) APPROVAL OF MEETING AGENDA – Add/Remove Agenda Items

G) PUBLIC COMMENT

H) CONSENT AGENDA –Consent Agenda Items

1. **ACTION ITEM** Consideration of Approval of Privileged Resolutions for Eagle Scouts Will Caplan, Troop 69 and Derrick Grunwald of Troop 629.
2. **ACTION ITEM** Consideration to Approve the Memorandum of Understanding with Forsyth County and the City of Johns Creek for Interoperability Talk Group and Back-up Radio System

I) ANNOUNCEMENTS

J) REPORTS AND PRESENTATIONS

K) OLD BUSINESS

L) NEW BUSINESS

1. **R2011-02-05** Consideration of Resolution Approving the Assignment and Assumption of Lease for 12000 Findley Road (City Hall)
2. **R2011-02-06** Consideration of Resolution Approving the Assignment and Assumption of Lease for 11445 Johns Creek Parkway (Public Safety Building)
3. **O2011-02-02** Consideration of Adopting an Ordinance to Amend the Fiscal Year 2011 Budget for the Encumbrance Carry-Over from the Fiscal Year 2010 Budget for the General Fund and Lease Purchase Fund
4. **O2011-02-03** Consideration of an Ordinance to Amend and Adopt the Fiscal Year 2010 Budget for the General Fund and the Grant Fund of the City of Johns Creek, Appropriating the Expenditures and Adopting the Revised Anticipated Revenues
5. **R2011-02-07** Consideration of Resolution Calling for the 2011 Election and to Fix and Publish the Qualifying Fees for the General Municipal Election for the City of Johns Creek Offices of Council Members Post 2, Post 4,

and Post 6

6. **R2011-02-08** **Consideration of Resolution to Authorize and Approve a Recreation and Parks Non-Resident Fee Policy for the City of Johns Creek**
7. **R2011-02-09** **Consideration of Resolution Adopting and Approving Park Facility Rental Fees for the City of Johns Creek Recreation and Parks Division**
8. **R2011-02-10** **Consideration of Resolution Authorizing the Capital Improvement Fund Transfer from the Contingency Account to the Shakerag Project Account in the Amount of Three Hundred Ninety Five Thousand Five Hundred Dollars (\$395,500)**
9. **R2011-02-11** **Consideration of Resolution Authorizing the City Attorney to Request the City of Johns Creek's Georgia Legislative Delegation to Introduce Certain Amendments to the City Charter for the 2011 Legislative Session**

M) OTHER BUSINESS

N) PUBLIC COMMENT

O) MAYOR'S COMMENTS

P) EXECUTIVE SESSION (If Needed)

Q) ADJOURNMENT

CITY OF JOHNS CREEK
WORK SESSION SUMMARY
January 24, 2011, 5:00pm

The City of Johns Creek Mayor and Council held a Work Session on Monday, January 24, 2011 at 5:00pm. The Work Session was held in the Taylor Farms Conference Room at City Hall, located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia 30097. In attendance were Council Members R. Johnson, D. McCabe, B. Miller, I. Figueroa, K. Richardson, K. Stewart and Mayor M. Bodker. City Manager J. Kachmar, Attorney B. Riley and other Department Heads were present.

Mayor Bodker opened the meeting with the Pledge of Allegiance.

Communications Director Grant Hickey reviewed the **MOU with Forsyth regarding Radios**. He informed Council the Memorandum of Understanding is for the interoperability talk and back-up radio system; to provide coverage to Johns Creek Public Safety during any outages in the Fulton County system. There has been a partnership with Forsyth County, this MOU formalizes the process. City Manager Kachmar mentioned Fulton County is planning a \$10M overall to improve its system. There is no financial commitment attached to the MOU. Council had no objections to adding this item to the February 14th Council Meeting Consent Agenda.

Assistant City Attorney Scott Hastey reviewed the **Assignment and Assumption of Lease Agreements for the City Hall and Public Safety Buildings**, informing Council prior to contract revisions, CH2M Hill was responsible for providing facility services. Subsequent to the contract revisions, this responsibility has been shifted to the city and the City is required to assume the lease agreements. There were no objections to moving this item to the February 14th Council Agenda. Mayor Bodker mentioned to Council the lease agreements are set to expire in 24 months and discussions should begin on options. It was noted this item is scheduled for discussion during the upcoming Council retreat.

Public Works Director Ken Hildebrandt presented the proposed **Trail Amenities** utilizing \$77K Transportation Enhancement grant funding; the **MARTA Improvements** utilizing \$1.1M in Capital offset funds allocated to the City; and he reviewed the **Request for Right of Way Donation at Jones Bridge and Morton Road**. Dir. Hildebrandt provided a power point presentation showing options for the Trail amenities, including signage, safety improvements, benches and other accoutrements to enhance the trails. He was seeking Council approval on moving forward with the concept plan. There was discussion on how the allocated funds should be distributed for signage, landscaping, and infrastructure allocations and mention of Leadership Johns Creek's plan to install benches and how to insure consistency of the designs. Council had no objections to staff moving forward with the concept plan and recommended adding discussion of specific design elements to the February 14th Work Session agenda.

Dir. Hildebrandt reviewed options for the MARTA improvement project and reminded Council funding is restricted to projects within a ½ mile radius of a MARTA transit stop. He provided options for bus shelter designs, locations and proposals for utilizing the remainder of the funds to complete gaps along the trails and develop a bicycle station. There was discussion on the bike station proposal, including maintenance costs, liability, connectivity and accessibility. City Manager Kachmar mentioned the senior housing previously approved and how this group of citizens would benefit from the bike station; noting Recreation and Parks fees would help offset the maintenance costs. Mayor Bodker commented the innovation of the concept may boost the City's appeal to others. Council

asked to see other alternatives and requested additional information on maintenance costs and liability to continue the discussion at a later date.

Dir. Hildebrandt reported to Council the Jones Bridge Road and Morton Road Intersection Improvement Project is set to begin in April. The work will impact property owned by Fulton County. Staff drafted a letter addressed to the Fulton County Commissioner Hausmann requesting donation of the property, noting the project will benefit the County. Council had no objections to requesting the Right of Way donation and requested sending the letter to all seven Fulton County Commissioners but added if the County chooses not to donate the property; the City has no alternative but to purchase the right-of-way to complete the intersection improvements.

Finance Director Monte Vavra reviewed two budget amendment ordinances: the first, to **amend the 2011 Budget for the Encumbrance Carryovers for 2010**, informing Council there were goods and services contracted in the FY 2010 budget that are on-going. The funds were encumbered for the expenses and will rollover to the 2011 Budget to facilitate payment. The second ordinance is needed to **amend the FY 2010 Budget for Community Development and Grant Fund**, to account for excess revenue generated by building permits and interest allocation to the Grant Fund. Council had no objections to moving these items to the February 14th, Council Meeting for consideration. Mayor Bodker mentioned Council budgeted funds in the 2010 Budget for a Community Arts Grant that was never realized. He suggested Council consider moving the funds to the 2011 Budget and asked Dir. Vavra, to review the fund amount with Council for continued discussion at the next Work Session.

Council reviewed the **Monthly Action Plan** with the following updates: the *Community Events funding* will be discussed at the next work session; *Shop the Creek* is being spearheaded by Johns Creek Chamber and is expected to launch soon; *Solid Waste Coordinator* is meeting with JCCA this week; *Parks Master Plan* review is scheduled for January 31st and Council Member McCabe asked for an update on the Shakerag Joint Use Agreement with the County; *Co-star* is a market research firm being considered to provide commercial market analysis; millage rate cap impact on *bond referendum* is being clarified with bond counsel; *gateway* sign designs were revised following consultant/Council one-on-ones and revised drafts will be forwarded for consideration; *Autrey Mill apartment* is completed; *Website* update is complete, Council congratulated staff on the great results; Mayor commented on the *pavement* conditions.

Council Member Miller asked for status of False Alarm Ordinance; Council Members will meet with legal to review, with materials previously presented and updated statistics. Council Member Figueroa asked for update on the installation of the traffic signal at State Bridge and SR 141 (in front of the Publix/Home Depot) and Dir. Hildebrandt reported the work has commenced.

Mayor Bodker provide a summary on the legislative session saying last year's HR1 Bill to freeze property tax assessment is now HR10 and other bills to watch include a proposal to reduce Insurance Premium Tax and eliminate the annual car title fee. There being no further business, Mayor Bodker adjourned the Work Session.

Approved,

Attest,

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk

CITY OF JOHNS CREEK
COUNCIL MEETING
January 24, 2011 @ 7:00pm

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, January 24, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson-
Post 2-Dan McCabe-**Absent**
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5-Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk-Joan Jones
City Manager-John Kachmar
City Attorney-Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scouts William Xiao of Troop 3143, Kyle Johnston of Troop 2000 and Scout Jackson Barnes of Troop 7153.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and commended Public Works and Public Safety staff for their work during the recent snow storm. He congratulated newly elected officials recently sworn into office, State Representative Lynne Riley, Fulton County Commissioner Liz Hausmann, and Governor Nathan Deal. The Mayor commented on the new legislative session and topics that may be discussed, including budget issues and Milton County legislation; he urged citizens to keep informed. The Mayor mentioned, he attended along with several Council Members and city staff GMA's Annual Mayor's Day Conference in Atlanta. He invited everyone to the State of the City Address, February 11 at the Atlanta Athletic Club; and to the two upcoming JCPD's fundraisers benefitting Special Olympics—February 5th a "Night at Monte Carlo" at St. Ives Country Club and February 19th, the 2nd Annual Polar Bear Plunge at Lake Lanier. Mayor Bodker encouraged participation in the JCFD's "Super CPR Saturday on February 26th. In closing, the Mayor reminded business owners March 31st is the deadline to renew business tax certificates, he recognized the Communications staff on the city's innovative new Website and asked Mayor Pro Tem Miller to give a brief update on the Relay for Life Kick off.

Mayor Pro Tem Miller announced on Tuesday, January 25th, Johns Creek High School will host the kick off for the May 6th 2011 Relay for Life Event. She invited everyone to come out to the kick-off to learn more about Relay and how to get involved. This is Relay's third year in the city and she encouraged everyone to participate in some way, either by organizing teams, fund raisers, support, etc.

MINUTES: Council Member Johnson motioned, seconded by Council Member Richardson to approve the December 13, 2010 Work Session Summary and Council Minutes as presented. There being no discussion, the motion carried unanimously.

MEETING AGENDA APPROVED: Council Member Miller motioned, seconded by Council Member Stewart to amend the meeting agenda to add an EXECUTIVE SESSION to discuss four (4) legal and three (3) land use items. There being no discussion, the motion passed unanimously and the amended agenda was approved.

PUBLIC COMMENT: Mark Endres commented on the proposal to install an electric bike station as part of the MARTA improvement project. He cited several large cities which had similar Community bike programs which proved unsuccessful, and added the maintenance costs are too high for such limited usage. Jay Bockish spoke on behalf of the Johns Creek Community Association in support of the Traffic Study Guidelines being considered.

For clarification purposes, City Attorney Riley reminded the audience per State law, comments made during the public comment period cannot be considered as evidence or testimony by Council during deliberation of a zoning matter.

CONSENT AGENDA: Council Member Miller motioned, seconded by Council Member Johnson, to approve the Consent Agenda, which included, ***RESOLUTION 2011-01-01*** Approving a Proclamation for Austin Ulich of Chattahoochee High School on winning the

AAAA State Championship in Cross Country and ***ACTION ITEM***- Privileged Resolutions for Eagle Scouts William Shun Xiao of Troop 3143, Kyle Matthew Johnston of Troop 2000, and James Michael Deaton of Troop 629. There being no discussion, the motion carried unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following meetings:

- *Monday, 1/31/11 @ 5:00pm—Work Session*
- *Tuesday, 2/1/11 9:00am —CVB*
- *Tuesday, 2/1/11 5:00pm — RPAC*
- *Tuesday, 2/1/11 7:00pm —Planning Commission meeting has been cancelled*
- *Monday, 2/14/11 @ 5:00pm—Work Session, 7:00pm-City Council Meeting*

REPORTS & PRESENTATIONS: City Manager Kachmar summarized the actions taken by the city in responding to the recent snow activity, including activation of the emergency response center staffed with emergency response team. He noted early salting and prepping of the major arteries to mitigate freezing was successful and the hard work of the Public Works and Public Safety staff, who worked around the clock to address emergency issues and ensured the safety of the citizens. He commended individual staff members for their efforts.

Council Member Miller acknowledged the academic and athletic achievements of Austin Ulich and Mayor Bodker read a proclamation recognizing his AAA State Championship in Cross Country.

Council Member Richardson presented and read the following Privileged Resolution recognizing Eagle Scout William Xiao of Troop 3143.

The City of Johns Creek recognizes William Shun Xiao of Troop 3143 on obtaining the rank of Eagle Scout. Whereas, Eagle Scout Xiao completed his community service project in which he constructed a new set of stairs for the outdoor classroom behind the Northview High School football field; and Whereas this stairway addition to the classroom provides safer and easier accessibility and it provides enjoyment to the many students and teachers at Northview High. Whereas a project like this takes many hours to complete and involves the team work of many, it eliminated a sometimes slippery and dangerous walk. Hopefully this project and Eagle Scout Xiao will inspire others to volunteer their time and talents to their community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout William Xiao and wish him well in all his future endeavors.

Council Member Figueroa presented and read the following Privileged Resolution recognizing Eagle Scout Kyle Johnston of Troop 2000.

The City of Johns Creek recognizes Kyle Matthew Johnston of Troop 2000 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Johnston completed his service project which was the cleaning and enhancement of the Rogers Bridge Circle cemetery grounds; and, whereas, this century old cemetery is part of Johns Creek history, this project will provide solace for family and friends while they visit their loved ones. Whereas Eagle Scout Johnston's project was funded by the community and volunteers who gave their time, and took many hours to complete; this project also brings awareness of one way we can honor our past while enriching our future. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Kyle Matthew Johnston and wish him well in all his future endeavors

Council Member Stewart read the following Privileged Resolution into the record recognizing Eagle Scout Michael Deaton of Troop 629.

The City of Johns Creek recognizes James Michael Deaton of Troop 629 on successfully meeting all the rank requirements for Eagle. Whereas Eagle Scout Deaton's project included organizing and leading the construction of a storage shed at the Southern Railroad Museum; and Whereas this shed provides a centralized location for storing items used for the Boy Scout Merit Badge Clinics and for educating the youth on the historical significance of the railroad in commerce, trade and travel; and Whereas Eagle Scout Deaton contributed many hours to complete this project, it demonstrates a commitment to his community and the values Scouting instills in our youth. The Mayor and Council of the City of Johns Creek now hereby recognize and applaud Eagle Scout James Michael Deaton

Mayoral Aide Patty Hansen presented the FEMA Fire Prevention Safety Grant which will facilitate the purchase of a Fire Safety Trailer. She reported the city applied for this grant in 2009 for the same purpose but did not receive an award. Council had no objections to moving forward with the application.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

PLANNING COMMISSION APPOINTMENTS: Mayor Bodker presented Resolution 2011-01-02 appointing the following Planning Commission members, *Steve McCain-Post D; Rose Shane-Post E, Brenda Yates-Post F, and Chip Floyd-Post G*. Council Member Johnson motioned, seconded by Council Member Richardson to approve Resolution 2011-01-02 to appoint the Planning Commission members as presented. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-01-02***)

BOARD OF ZONING APPEALS APPOINTMENT: Mayor Bodker presented Resolution 2011-01-03 appointing the following Board of Zoning Appeal members, *Rhonda Wilson-Post D; Bill Lopez-Post E, Eric Fragoso-Post F, and John DiPietro-Post G*. Council Member Richardson motioned, seconded by Council Member Stewart, to approve Resolution 2011-01-03 to appoint the Board of Zoning Appeal members as presented. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-01-03***)

TRAFFIC STUDY GUIDELINES: Traffic Engineer Tom Udell informed Council the guidelines presented incorporates Council's comments following the December 13th, Work Session, and revisions to clarify language, recommended after receiving JCCA comments. Council Member Figueroa motioned, seconded by Council Member Miller to approve Resolution 2011-01-04 to approve the revised Traffic Study Guidelines as presented. In a brief discussion, Council Member Figueroa thanked staff for their work in expanding the context of the regulations which serves to clarify the city's requirement and Mayor Bodker thanked the JCCA for their input. There being no further discussion, the motion carried unanimously. (***RESOLUTION 2011-01-04***)

REZONING CASE 10-004-STATE BRIDGE ROAD: Consideration of Ordinance 2011-01-01 to amend the Zoning Map for Zoning Case RZ-10-009 – Dr. Parikh Naresh - 3200 Block of Old Alabama Road - O-I Conditional to O-I Conditional - Change in conditions to amend the site plan to allow a medical office (in addition to the currently allowed assisted living facility).

Planning and Zoning Administrator Justin Kirouac reviewed the rezoning case which requests a change of conditions to allow an assisted living facility to include the addition of a medical office. He said the use is consistent with the area and staff and the planning Commission reviewed the application and recommend approval. However, Mr. Kirouac reported to Council, following the review of the application it was determined the applicant did not comply with the requirement to provide notice to the public in accordance with the Zoning Ordinance's Public Participation process, requiring notification to property owners within a quarter mile of the location. Mayor Bodker mentioned he received comments from citizens raising this issue.

Council Member Figueroa motioned, seconded by Council Member Richardson to defer consideration of Ordinance 2011-01-01 for 30 days to allow the applicant to properly complete the public participation process. In discussion, Council Member Johnson mentioned he had also received citizens comments about the notification and Council Member Miller added it is important to have all affected property owners informed. There being no further discussion, the motion carried unanimously.

As a point of information, City Clerk Jones noted the next Council Meeting will be held in 35 days, on February 14.

GREENWAY CONSTRUCTION CONTRACT BID AWARD: Public Works Director Ken Hildebrand reported. Johnson Landscaping had the lowest bid of \$112,402.25 for construction of the Greenway, Segment 1, Part 2. Council Member Johnson motioned, seconded by Council Member Figueroa to approve the Action Item to award the construction contract to Johns Landscaping for the Greenway Segment 1 Part 2. There being no discussion, the motion carried unanimously. (***ACTION ITEM***)

OTHER BUSINESS: None

PUBLIC COMMENT: Mark Endres continued his comments on the electric bike station and stated his objections to additional MARTA stops, having public transportation in the community, noting he sees low ridership on the MARTA buses in the community and is concerned if more bus stops are added there will be additional costs to the city to support the funding.

MAYOR'S COMMENT: The Mayor thanked everyone for attending the meeting, and for the community input, he wished all safe travels and urged citizens to keep informed about issues at the State level.

EXECUTIVE SESSION: Council Member Johnson motioned, seconded by Council Member Richardson to adjourn into Executive Session to discuss four (4) litigation and three (3) land use items. There was no discussion and the motion carried unanimously.

Council Member Johnson motioned to come out of Executive Session and resume Regular Session. Council Member Miller seconded, the motion carried unanimously.

There being no further business, Council Member Johnson made a motion to adjourn the meeting, Council Member Stewart seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk

CITY OF JOHNS CREEK
WORK SESSION SUMMARY
January 31, 2011, 5:00pm

The City of Johns Creek Mayor and Council held a Work Session on Monday, January 31, 2011 at 5:00pm. The Work Session was held in the Taylor Farms Conference Room at City Hall, located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia 30097. In attendance were Council Members R. Johnson, D. McCabe, B. Miller, I. Figueroa, K. Richardson, K. Stewart and Mayor M. Bodker. City Manager J. Kachmar, Attorney B. Riley and other Department Heads were present.

Mayor Bodker opened the meeting with the Pledge of Allegiance.

The Mayor reviewed the Work Session process, informing citizens the Council only engages in a discussion of items in this forum, no vote is taken. Following discussion, Council may elect to move an item to the Council Meeting agenda for a vote.

City Manager Kachmar provided an overview of the agenda items which will focus on Recreation and Parks related matters, several raised in the Parks Master Plan and/or referenced in the City's FY 2011 Budget. These include **Non-Resident Fee Policy**—a policy currently does not exist, **Park Associations Contracts** which are due to expire in the next several months—he is seeking direction from Council on how they would like to proceed on these issues and review, the **2011 Capital needs** for Shakerag Park. City Manager Kachmar also mentioned establishing scheduled meeting dates to continue discussion of the recommendations outlined in the Parks Master Plan.

Parks Manager Kirk Franz provided a power point presentation reviewing the **Non- Resident Fee Policy**. The proposal is to impose fees for non-residents to rent park facilities/pavilions and/or to participate in athletic programs. Currently there are no distinctions between fees charged to residents and non-residents. Certain fees would be collected by the athletic association and then rendered back to the city; these would apply to all city-owned Park facilities. The additional fees would help offset the maintenance costs for field use; facilities and would help fund other park improvements. Mr. Franz reiterated because of the limited park space, the fields are often crowded and although the citizen taxes help support the park, they are afforded no special privileges; the non-resident fee would allow priority registration for residents. A chart comparing the non-resident fees charged by neighboring jurisdictions including Roswell, Alpharetta, Milton and Sandy Springs and the recommendations outlined in the Parks Master Plan for imposing fees in Johns Creek was reviewed. Mr. Franz also presented the Recreation and Parks Advisory Committee (RPAC) non-resident fee recommendations and recognized committee members Larry Buckles and Stan Stanfill who were in attendance. City Manager Kachmar mentioned the recommendation for Autrey Mill is to add a nominal non-resident surcharge, as there are no athletic programs and the issues are basically contribution to the city funded maintenance costs.

RPAC Chair Buckles addressed Council on the importance of imposing the non-resident fee to help benefit the parks. Mayor Bodker thanked the committee members for their contributions. Council discussed use of city parks by residents and non-residents, including which parks are more utilized and why. It was noted park use can be attributed to its proximity and programs offered. There was Council consensus a non-resident fee policy along with a two-week preferred registration period for residents and a 50% increase in athletic fees for non-resident should be considered. There was further discussion on facility rental fees for pavilions, community meeting rooms, tennis courts, etc., with Council keeping the current rental fees in place and adding a 50% increase for non-residents on all fees but the pavilions rentals, which were reduced. There was an inquiry on charging for use of the

community meeting room because of the CDBG funding, City Manager Kachmar will clarify. Council had no objections to moving the non-resident fee policy to the February 14th meeting agenda for consideration.

Joan Compton from Autrey Mill Nature Preserve provided a summary on the facility, stating the funding is through membership, with annual membership fees of \$35.00 to \$50.00. Members get a discount on programs, admission and events; however most of the program participants are outside of Johns Creek. The Mayor reviewed the recommendations for Autrey Mill's non-resident fee. Council consensus was to leave the current fee in place. Mayor Bodker asked if there was a way to capture where most of the Autrey Mill visitors are coming from and Council Member Miller said the CVB is also looking at also gathering usership information to help market use of the facility. Ms. Compton agreed she would investigate a mechanism to capture visitors' information.

Parks Manager Franz reviewed the current **Park Association Contracts** and the recommendations of the Parks Master Plan. The agreements with Autrey Mill, Newtown and Ocee Athletic Associations require a minimum of 5% of the fees collected be used to improve the facilities, and in the case of the parks it is 5% or \$25,000 whichever is greater. The associations are required to adhere to policy and procedures which were carried over from Fulton County at the time of incorporation. Staff suggested these procedures need some revision. Council concurred and asked staff to review and make recommendations. Council Member Richardson asked to include recommendations regarding the use of alcoholic beverages at Autrey Mill; there were no objections to this inclusion.

Park Managers Robbie Newton and Franz reviewed the FY **2011 Capital Needs for Shakerag Park**. The improvements would include grading, irrigation, installing sod, fencing and erosion control. These improvements would facilitate additional programming for adult and youth athletics, field rentals and special events. Council Member Miller raised safety concerns regarding access to the pond and suggested installing walking trails or cross country trails. There was further discussion about other uses and enhancing the pond as a feature of the park but maintaining safety. Public Works is doing a study on the pond and City Manager will report the finding and conduct a study on installing a cross country field. Council had no objections to moving forward with the current proposal for current capital improvements and the item will be added to the February 14th Council Meeting.

City Manager Kachmar suggested holding quarterly meetings with Council to discuss recreation and parks matter. There were no objections.

City Attorney Bill Riley provided an overview of **Charter Revisions**. Attorney Riley reviewed the amended language on the voter referendum requirement for millage rate changes and included bond counsel's comments on how this impacts city's ability to secure a bond. He also reviewed changes to resolve two boundary conflicts bordering the city of Alpharetta and Forsyth County. There was additional discussion on the Charter requirement to convene a Charter Commission; Sections in Section 3.23 and 4.12, regarding City Administration and the timetable for approval of the annual budget. Council had no objections to adding proposed Charter changes to the February 14th Council Meeting agenda for consideration.

City Manager Kachmar briefly updated Council on the recent burglaries in the city.

Approved,

Attest,

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk

PRIVILEGED RESOLUTION
EAGLE SCOUT
WILLIAM BENJAMIN CAPLAN, TROOP 69

The City of Johns Creek recognizes William Benjamin Caplan of Troop 69, on successfully meeting all the rank requirements for Eagle. Whereas Eagle Scout Caplan completed his Eagle Scout project by making 51 fleece blankets for foster children between the ages of 10 to 15; and Whereas this project will benefit Mount Pisgah's "Knots for Love" program and, this project included a fundraiser which raised over \$3000 to purchase materials. Whereas Eagle Scout Caplan's project took many hours to complete, it demonstrates his dedication and commitment to scouting and his community. The Mayor and Council of the City of Johns Creek recognize and applaud Eagle Scout William Benjamin Caplan and wish him well in all his future endeavors.

02-14-11 Council Meeting
Council Member Stewart

**PRIVILEGED RESOLUTION
EAGLE SCOUT
DERRICK GRUNWALD, TROOP 629**

The City of Johns Creek recognizes Derrick Grunwald of Troop 629 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Grunwald completed his community service project by planning and leading the effort in the construction of containers and wildflower plantings along Sal's Creek in the Autrey Mill Nature Preserve and Heritage Center; and, Whereas this project took many hours to complete; it also enhances the aesthetics of the creek path while providing an educational opportunity for park visitors to learn more about Georgia's native plants and wildflowers. Whereas, Eagle Scout Grunwald's project provides yet another opportunity to demonstrate the benefits scouting brings to the overall quality of life for our citizens. The Mayor and Council of the City of Johns Creek hereby recognizes and applauds Eagle Scout Derrick Grunwald and wish him well in all his future endeavors.

2-14-2011 Council Meeting
Council Member Randall Johnson



AGENDA REPORT

To: Honorable Mayor and City Council Members

From: John Kachmar, City Manager

By: Grant Hickey, Community Relations Director

Date: January 6, 2011

Agenda: January 10, 2011 WORK SESSION AGENDA Item: MOU with Forsyth County regarding radios-Moved to January 24th Work Session –Moved to February 14, 2011 COUNCIL AGENDA FOR ACTION

Recommendation: Adopt Memorandum of Understanding between Forsyth County and the City of Johns Creek for interoperability talk group and back-up radio system.

Issue: Johns Creek and its public safety agencies, and Forsyth County and its public safety agencies, recognize the need for communications interoperability and cooperation. In addition, Johns Creek has the need for a back-up radio system for its public safety agencies.

Basis for Recommendation: To remedy the communication problem, Johns Creek's public safety agencies have worked cooperatively with Forsyth County and its public safety agencies to develop an interoperability solution, as well as, providing a back-up public safety radio communication solution. The solution establishes three dedicated radio talk group channels on the Forsyth system. The purpose of the talk group channels is to provide radio communications system for Johns Creek and Forsyth County and its key support agencies when managing any incident that affects public safety and crosses jurisdictional lines, as well as, providing Johns Creek's public safety agencies a back-up radio communication system.

Financial Impact: N/A

Background: Johns Creek currently operates on the Fulton County radio system through an IGA. Johns Creek public safety agencies and Forsyth County and its public safety agencies recognize the need for interoperability, as well as, having a back-up solution in place.

Concurrent Review: Assistant City Attorney Scott Hastey

Attachment(s): Cover Letter and MOU



Forsyth County 911 Center

December 8, 2010

Mr. Grant Hickey
City of Johns Creek
12000 Findley Road, Suite 400
Johns Creek, GA 30097-1412

Dear Mr. Hickey,

Please find enclosed two (2) executed original copies of the Memorandum of Understanding between Forsyth County and the City of Johns Creek. The Forsyth County Board of Commissioners voted to approve the Memorandum at their regular meeting held in Thursday, November 18, 2010.

Please return a fully executed original to me for our files. If you have any questions, please call me at 770-781-2238.

Thank you for your cooperation in this matter.

Sincerely,

P.A. Giordano

Patricia Giordano
Director

PG/ckb



**Memorandum of Understanding
between**

**Forsyth County and the City of Johns Creek
for**

Interoperability Talk Group and Back-up Radio System

This Memorandum of Understanding ("MOU") is entered into this 18th day of November, 2010 between Forsyth County, Georgia by and through the Forsyth County Board of Commissioners, a body politic and corporate and the City of John's Creek, by and through its Mayor and Council.

Introduction

Forsyth County and its public safety agencies, and Johns Creek and its public safety agencies, recognize the need for communication interoperability and cooperation. Forsyth County and Johns Creek have well-established interoperability capabilities and mutual aid agreements in place. Johns Creek has realized the need to locate and have at its use, a back-up radio system for its public safety agencies.

To remedy the communication problem, Johns Creek's public safety agencies have worked cooperatively to develop an interoperability solution as well as providing a back-up public safety radio communications solution. This solution establishes on the Forsyth System, as defined below, three (3) dedicated radio talk group channels (sometimes referred to herein as "Talk Groups") that are accessible through communication equipment used by appropriate Johns Creek public safety officials and private contractors of Johns Creek performing public safety services subject to the approval of Forsyth County.

Purpose

The purpose of the Talk Groups is to provide a radio communications system for Johns Creek and its key support agencies when managing any incident that affects public safety and crosses jurisdictional lines as well as providing Johns Creek's public safety agencies a back-up radio communications system when their current provider (i.e. Fulton County) is down or unable to provide proper coverage. These Talk Groups also ensure an organized method of coordinating both Forsyth County and Johns Creek resources to expedite efficient deployment of those resources and can serve as a source for logistics and unified command between the two jurisdictions.

Scope

The scope of the Talk Groups includes Forsyth County and Johns Creek's public safety agencies, including law enforcement and fire as well as the Chattahoochee River 9-1-1 Authority. Each agency has its own interoperability capabilities beyond this MOU.

Definition

The Talk Groups will be used by the Johns Creek Police Department and the Johns Creek Fire Department using Forsyth County's 800 Megahertz (MHz) trunked communications system (the "Forsyth System"). The Talk Groups will be dedicated to use by Johns Creek as outlined within this MOU.

Policy

The Talk Groups are available for use by Johns Creek's public safety agencies on an as-needed basis any time multijurisdictional operations dictate or during a failure of the Fulton County Radio System. At a minimum, use of a Talk Group should be considered during the planning phase for all large preplanned events that cross jurisdictional boundaries and incorporated into any related written operations plans. In the case of unplanned events, Johns Creek will notify the Forsyth County 911 Center when any Talk Group is in use. If the duration of such use is expected to be longer than one day, Johns Creek's agencies must coordinate such with the Forsyth County 911 Center Director or his/her designee. Each agency will operate in accordance with its respective Standard Operating Procedures (SOP).

If the Forsyth System falls into Fail-soft or at a level that is, as determined by Forsyth County in its sole discretion, unstable for continued support of additional units, Johns Creek will not be permitted to use the Talk Groups until Forsyth County's system returns to a stable operations level, as determined by Forsyth County in its sole discretion.

User Procedure Requirements

By signing this MOU, each agency using any Talk Group agrees to participate in multijurisdictional drills to the greatest possible extent that is mutually agreed to by the parties in order to ensure awareness of issues regarding the Talk Groups and to prepare both Forsyth County and Johns Creek personnel for their activation. All agencies shall be required to provide and maintain their own equipment.

Maintenance

Forsyth County will be responsible for licensing and maintaining the Forsyth System.

Oversight

Oversight of the Talk Groups shall be administered through the Forsyth County Interoperability Committee core members. Any issues affecting policy, recommendation, and/or subsequent change that alter the purpose of the Talk Groups will be implemented only after a consensus is reached by the Forsyth County Interoperability Committee.

Accordingly, each agency must establish oversight authority and its appropriate level of delegation in reference to use of the Talk Groups.

Responsibility for SOP Compliance

It is the responsibility of agency heads to ensure that their respective SOP's are followed and to ensure that each agency's respective personnel are trained appropriately regarding this MOU.

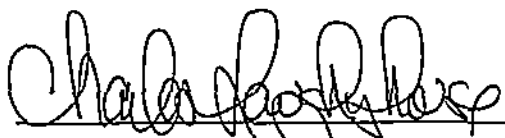
Term

The term of this MOU shall be from the date of execution until December 31, 2015, provided that either party may terminate this MOU for convenience upon providing at least sixty (60) days prior written notice of the date of termination to the other party.

Updates to the MOU

Modifications to this MOU may become necessary after the Forsyth County Interoperability Committee meets and gains consensus on any proposed changes to this MOU. It is then the responsibility of the committee to decide the best possible method of dissemination of modifications to this MOU to all affected agencies for review and approval. In the event that a proposed change to this MOU is agreed upon by the parties, this MOU shall be amended by the parties to reflect same.

APPROVED BY:

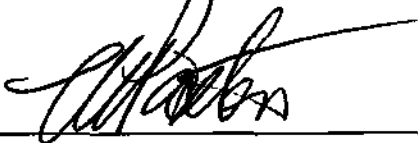


Forsyth County Government

City of Johns Creek

Patricia A. Gindaro

Forsyth County 911 Center



Forsyth County Sheriff's Office



Forsyth County Fire Department

Chattahoochee River 9-1-1 Authority

Johns Creek Police Department

Johns Creek Fire Department

**A RESOLUTION TO APPROVE AND AUTHORIZE THE ASSIGNMENT AND ASSUMPTION
OF THE LEASE AGREEMENT FOR 12000 FINDLEY ROAD
AND FOR OTHER PURPOSES**

WHEREAS: CH2M Hill, Inc. is the current lessee on the lease for 12000 Findley Road ("City Hall") with GPO Johns Creek, LLC as landlord pursuant to the lease originally executed December 29, 2006; and

WHEREAS: The City of Johns Creek and CH2M Hill, Inc. desire to assign said Lease to the City with landlord's approval, pursuant to Section 11.2 of the Lease Agreement; and

WHEREAS: the City desires to assume all responsibilities and benefits of the City Hall Lease from CH2M Hill, Inc. pursuant to the terms of the Assignment and Assumption of the Lease Agreement, as attached hereto and incorporated herein; and

WHEREAS, the Assignment and Assumption of the Lease Agreement has been reviewed by the City Attorney.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Johns Creek that the Assignment and Assumption of the Lease Agreement, as attached hereto and incorporated herein, is hereby approved, and that the Mayor and City Manager are hereby authorized to execute same and any and all other documents necessary for implementation thereof, effective this 14th day of February, 2011.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(Seal)

ASSIGNMENT AND ASSUMPTION OF LEASE

This ASSIGNMENT AND ASSUMPTION OF LEASE, dated _____, 2010, is entered into by and between **CH2M HILL, INC.**, a Florida corporation ("**Assignor**"), and the **CITY OF JOHNS CREEK, GEORGIA**, a municipal corporation of the State of Georgia ("**Assignee**").

Recitals:

A. GPO Johns Creek, LLC, a Delaware limited liability company ("**Landlord**"), as landlord, and Assignor, as tenant, are parties to that certain Lease dated December 29, 2006 originally executed by and between VIF/JC Tech Park, LLC, a Delaware limited liability company, and Assignor (the "**Lease**"), pursuant to which Landlord has leased to Assignor certain premises located on the third and fourth floors ("**Premises**") of the building known as 12000 Findley Road, Fulton County, Johns Creek, Georgia (the "**Building**"); and

B. Pursuant to Section 11.2 of the Lease, Assignor is entitled to assign the Lease to Assignee without Landlord's prior consent.

Agreement:

For good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment. Effective as of January 10, 2011 (the "**Assignment Effective Date**"), Assignor hereby sells, assigns, transfers and sets over to Assignee all of Assignor's right, title, benefit, privileges and interest in, to and under the Lease. Assignor shall execute and deliver to Assignee such further assignments, acknowledgments and documents as Assignee may reasonably request in order to confirm or give notice of the transfer affected by this Assignment and Assumption of Lease. Assignor acknowledges and agrees that it is not released from any of the obligations of the tenant under the Lease relating to periods prior to the Assignment Effective Date, by virtue of this Assignment and Assumption of Lease. Assignor shall indemnify and hold harmless Assignee from and against any and all liability, loss, damage or expenses (including, without limitation, reasonable attorneys' fees) arising or resulting from the failure of Assignor to perform faithfully and punctually any liability or obligation assumed prior to the Assignment Effective Date as tenant under the Lease.

2. Acceptance and Assumption. As of the Assignment Effective Date, Assignee hereby accepts the assignment of Assignor's right, title, benefit, privileges and interest in, to and under the Lease, and shall be bound by all of the terms of the Lease in Assignor's place and stead. Assignee assumes and shall faithfully pay and perform in Assignor's stead, as and when due, any and all liabilities and obligations of Assignor under the Lease relating to periods after the Assignment Effective Date. Assignee does not assume any liabilities or obligations of Assignor under the Lease relating to periods before the Assignment Effective Date. To the extent allowed by law, Assignee shall indemnify and hold harmless Assignor from and against any and all liability, loss, damage or expenses (including, without limitation, reasonable attorneys' fees)

arising or resulting from the failure of Assignee to pay or perform faithfully and punctually any liability or obligation hereby assumed.

3. Certification. Assignor hereby warrants, represents and certifies the following, as of the Assignment Effective Date: (a) there are not any uncured defaults on the part of Assignor in regard to the Lease; and (b) there are not, to Assignor's knowledge, any uncured defaults on the part of Landlord in regard to the Lease.

4. Notices. All notices, demands or requests required or allowed hereunder or otherwise, shall be sent by mail, certified or registered, postage prepaid, by nationally recognized overnight carrier, or delivered by hand, to the addresses set forth below. Notice shall be deemed to have been made at the time of receipt

| | |
|------------------|--|
| Tenant/Assignor: | CH2M HILL, Inc. 9191 South Jamaica Street Englewood, Colorado 80112 Attn: Director of Corporate Real Estate |
|------------------|--|

| | |
|----------------------|---|
| Assignee/New Tenant: | City Manager City of Johns Creek 12000 Findley Rd., Suite 400 Johns Creek, Georgia 30097 |
|----------------------|---|

5. Attorneys Fees. In any action between the parties to enforce any of the terms or provisions of this Assignment and Assumption of Lease, the prevailing party in such action shall be entitled, in addition to damages, injunctive relief or other relief, to reasonable costs and expenses incurred by it in connection therewith, including, without limitation, costs and reasonable attorneys' fees fixed by the court.

6. Counterparts. This Assignment and Assumption of Lease may be executed in counterparts, all of which taken together shall constitute one and the same agreement, and each of which shall be deemed to be an original. This Assignment and Assumption of Lease may be executed by means of facsimile or by digital imaging and electronic mail.

7. Miscellaneous. This Assignment and Assumption of Lease shall inure to the benefit of, and be binding upon, the parties and their successors, heirs, personal representatives and assigns. This Assignment and Assumption of Lease is governed by the laws of the State of Georgia.

[The remainder of the page is intentionally left blank]

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment and Assumption of Lease to be executed and sealed as of the date first above written.

ASSIGNOR

CH2M HILL, INC., a Florida corporation

By: _____
Name: _____
Title: _____

Assignor Witnesses:

By: _____
Name: _____

ASSIGNEE

CITY OF JOHNS CREEK, GEORGIA, a
municipal corporation of the State of Georgia

By: _____
Michael E. Bodker, Mayor

ATTESTED:

By: _____
Joan C. Jones, City Clerk

Approved as to form and legal sufficiency
subject to execution by the parties:

William F. Riley, Jr., City Attorney

**A RESOLUTION TO APPROVE AND AUTHORIZE THE ASSIGNMENT AND ASSUMPTION OF THE
LEASE AGREEMENT FOR 11445 JOHNS CREEK PARKWAY AND FOR OTHER PURPOSES**

WHEREAS: CH2M Hill, Inc. is the current lessee on the lease for 11445 Johns Creek Parkway ("Public Safety Building") with Madison/Bailey, LP as landlord pursuant to the lease originally executed May 31, 2007; and

WHEREAS: the City of Johns Creek and CH2M Hill, Inc. desire to assign said Lease to the City with landlord's approval, pursuant to Section 13(b) of the Lease Agreement; and

WHEREAS: the City desires to assume all responsibilities and benefits of the Public Safety Building Lease from CH2M Hill, Inc. pursuant to the terms of the Assignment and Assumption of the Lease Agreement, as attached hereto and incorporated herein; and

WHEREAS, the Assignment and Assumption of the Lease Agreement has been reviewed by the City Attorney.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Johns Creek that the Assignment and Assumption of the Lease Agreement for 11445 Johns Creek Parkway, as attached hereto and incorporated herein, is hereby approved, and that the Mayor and City Manager are hereby authorized to execute same and any and all other documents necessary for implementation thereof, effective this 14th day of February, 2011.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(Seal)

ASSIGNMENT AND ASSUMPTION OF LEASE

This ASSIGNMENT AND ASSUMPTION OF LEASE, dated _____, 2010, is entered into by and between **CH2M HILL, INC.**, a Florida corporation ("**Assignor**"), and **THE CITY OF JOHNS CREEK, GEORGIA**, a municipal corporation of the State of Georgia ("**Assignee**").

Recitals:

A. Madison/Bailey, LP, a Georgia limited partnership ("**Landlord**"), as landlord, and Assignor, as tenant, are parties to that certain Lease dated May 31, 2007 (the "**Lease**") pursuant to which Landlord has leased to Assignor all of the top floor ("**Premises**") of the building known as 11445 Johns Creek Parkway, Johns Creek, Georgia (the "**Building**"); and

B. Pursuant to Section 13(b) of the Lease, Assignor is entitled to assign the Lease to Assignee without Landlord's prior consent.

Agreement:

For good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment. Effective as of January 10, 2011 (the "**Assignment Effective Date**"), Assignor hereby sells, assigns, transfers and sets over to Assignee all of Assignor's right, title, benefit, privileges and interest in, to and under the Lease. Assignor shall execute and deliver to Assignee such further assignments, acknowledgments and documents as Assignee may reasonably request in order to confirm or give notice of the transfer affected by this Assignment and Assumption of Lease. Assignor acknowledges and agrees that it is not released from any of the obligations of the tenant under the Lease relating to periods prior to the Assignment Effective Date, by virtue of this Assignment and Assumption of Lease. Assignor shall indemnify and hold harmless Assignee from and against any and all liability, loss, damage or expenses (including, without limitation, reasonable attorneys' fees) arising or resulting from the failure of Assignor to perform faithfully and punctually any liability or obligation assumed prior to the Assignment Effective Date as tenant under the Lease.

2. Acceptance and Assumption. As of the Assignment Effective Date, Assignee hereby accepts the assignment of Assignor's right, title, benefit, privileges and interest in, to and under the Lease, and shall be bound by all of the terms of the Lease in Assignor's place and stead. Assignee assumes and shall faithfully pay and perform in Assignor's stead, as and when due, any and all liabilities and obligations of Assignor under the Lease relating to periods after the Assignment Effective Date. Assignee does not assume any liabilities or obligations of Assignor under the Lease relating to periods before the Assignment Effective Date. To the extent allowed by law, Assignee shall indemnify and hold harmless Assignor from and against any and all liability, loss, damage or expenses (including, without limitation, reasonable attorneys' fees) arising or resulting from the failure of Assignee to pay or perform faithfully and punctually any liability or obligation hereby assumed.

3. Certification. Assignor hereby warrants, represents and certifies the following, as of the Assignment Effective Date: (a) there are not any uncured defaults on the part of Assignor in regard to the Lease; and (b) there are not, to Assignor's knowledge, any uncured defaults on the part of Landlord in regard to the Lease.

4. Notices. All notices, demands or requests required or allowed hereunder or otherwise, shall be sent by mail, certified or registered, postage prepaid, by nationally recognized overnight carrier, or delivered by hand, to the addresses set forth below. Notice shall be deemed to have been made at the time of receipt

| | |
|------------------|--|
| Tenant/Assignor: | CH2M HILL, Inc. 9191 South Jamaica Street Englewood, Colorado 80112 Attn: Director of Corporate Real Estate |
|------------------|--|

| | |
|----------------------|---|
| Assignee/New Tenant: | City Manager City of Johns Creek 12000 Findley Rd., Suite 400 Johns Creek, Georgia 30097 |
|----------------------|---|

5. Attorneys Fees. In any action between the parties to enforce any of the terms or provisions of this Assignment and Assumption of Lease, the prevailing party in such action shall be entitled, in addition to damages, injunctive relief or other relief, to reasonable costs and expenses incurred by it in connection therewith, including, without limitation, costs and reasonable attorneys' fees fixed by the court.

6. Counterparts. This Assignment and Assumption of Lease may be executed in counterparts, all of which taken together shall constitute one and the same agreement, and each of which shall be deemed to be an original. This Assignment and Assumption of Lease may be executed by means of facsimile or by digital imaging and electronic mail.

7. Miscellaneous. This Assignment and Assumption of Lease shall inure to the benefit of, and be binding upon, the parties and their successors, heirs, personal representatives and assigns. This Assignment and Assumption of Lease is governed by the laws of the State of Georgia.

[The remainder of the page is intentionally left blank]

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment and Assumption of Lease to be executed and sealed as of the date first above written.

ASSIGNOR

CH2M HILL, INC., a Florida corporation

By: _____
Name: _____
Title: _____

Assignor Witness:

By: _____
Name: _____

ASSIGNEE

CITY OF JOHNS CREEK, GEORGIA, a
municipal corporation of the State of Georgia

By: _____
Michael E. Bodker, Mayor

ATTESTED:

By: _____
Joan C. Jones, City Clerk

Approved as to form and legal sufficiency
subject to execution by the parties:

William F. Riley, Jr., City Attorney



AGENDA REPORT

To: Mayor and City Council
From: John Kachmar, City Manager
By: Monte Vavra, Finance Director
Date: January 06, 2011
Agenda: January 10, 2011 Work Session Agenda Item: *FY 2010 Encumbrance carryover—Moved to January 24, 2011 Work Session-To be on **February 14, 2011** Council Agenda for Action*

Issue: Detail listing of FY 2010 encumbrances to be carried over to FY 2011

Recommendation: City Council to add agenda item on February 14, 2011 meeting for ordinance to carryover FY 2009 encumbrances to FY 2010 and amend FY 2011 fiscal year budget

Background: Open encumbrances at close of FY 2010 will need to be carried forward to fiscal year 2011 and the corresponding budget will need to be amended to pay for goods/services in fiscal year 2011.

Basis for Recommendation: Generally accepted accounting practice

Alternative Approaches: None

Financial Impact: None, funds originally budgeted in FY 2010, encumbered in FY 2010, and encumbrance will be paid and liquidated in FY 2011.

Attachment(s): Detail listing of encumbrances carried over

**AN ORDINANCE TO AMEND THE FISCAL YEAR 2011 BUDGET FOR THE
ENCUMBRANCE CARRY- OVER FROM THE FISCAL YEAR 2010 BUDGET FOR
THE GENERAL FUND, CDBG FUND, AND LEASE PURCHASE FUND**

WHEREAS, a 2011 Budget for each of the funds of the City was adopted by the Mayor and City Council at the Council meeting on September 13, 2010; and

WHEREAS, subsequent to the adoption of the fiscal year 2011 Budget, the City of Johns Creek had entered into contracts and commitments encumbered in the fiscal year 2010 budget which were not completed and fulfilled at the close of the fiscal year,

WHEREAS, the outstanding encumbrances will be completed during the fiscal year 2011 and the fiscal year 2010 budget for the outstanding encumbrances will be carried forward to provide the budgetary fund,

WHEREAS, the City of Johns Creek City Council approves the additional budget for fiscal year 2011 to be funded from the encumbrance reserve established at the close of the fiscal year 2010

NOW THEREFORE BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Johns Creek while in regular session on February 14, 2011 that:

Section 1: the City Finance Director roll over the outstanding encumbrances from fiscal year 2010 to fiscal year 2011; and

Section 2: the Budget Amendment, shown as "Exhibit A" attached hereto and by this reference made a part of this Ordinance, and shall be made part of the fiscal year 2011 Budget; and

Section 3: this Revised Budget is hereby approved and that the reserve for encumbrance shall be the source of funding; and

Section 4: any increase or decrease in appropriations or revenues of any fund or for any department require approval of the Mayor and Council; and

Section 5: as provided in Section 6.27 of the City Charter, such amendments to the Budget may be made by majority vote of the Mayor and Council at any business meeting; and

Section 6: the expenditures shall not exceed the appropriations authorized by this Budget Amendment thereto and that expenditures for the fiscal year shall not exceed actual funding available; and

Section 7: the City Manager or his designee may promulgate all necessary internal rules, regulations and policies to ensure compliance with this Budget Ordinance.

SO ORDAINED, this the 14th day of February, 2011.

Approved:

Michael E. Bodker, Mayor

ATTEST:

Approved as to Form and Content:

Joan Jones, City Clerk

William F. Riley, City Attorney

(Seal)

2011 BUDGET AMENDMENT
February 14, 2011
ATTACHMENT "A"

General Fund:

Fund Balance- Reserve for Encumbrances \$ 498,662
100-0000-134-2200

Anticipated Expenses:

City Manager:

100-1320-521-2007 Professional Services Other \$ 21,991

City Clerk:

100-1330-521-2003 Professional Services Contractual 2,990

Finance Department:

100-1511-521-2003 Professional Services Contractual 35,500

100-1511-521-3000 Technical Services 8,040

Municipal Court

100-2650-542-4000 Equipment 8,865

Police Department:

100-3210-521-2000 Professional Services 1,450

100-3210-523-2000 Communications 7,410

100-3210-531-7003 Operating Supplies 4,441

100-3210-531-1011 Officer Supplies 1,899

Fire Department:

100-3510-522-2200 Facility repair & Maintenance 32,325

100-3510-531-1011 Vehicles 19,885

100-3510-531-7011 Officer Supplies 23,797

100-3510-542-5000 Other Capital Equipment 62,840

Public Works Department:

100-4110-521-2000 Professional Services 72,500

100-4110-521-2100 Professional Services Contracted 59,460

100-4110-531-7005 Non inventory/Traffic Signs 25,812

Recreation/Parks Department

100-6110-521-2000 Professional Services Contracted 1,134

100-6110-522-2000 Repairs & Maintenance 49,999

100-6110-531-7003 Operating Supplies 1,125

**STATE OF GEORGIA
COUNTY OF FULTON**

ORDINANCE 2011-02-02

| | | |
|--|--------|-------------------|
| 100-6110-541-3000 Building Renovations | 46,438 | |
| Community Development Department | | |
| 100-7410-521-3000 Technical Services | 10,761 | |
| TOTAL GENERAL FUND | | \$ 498,662 |

CDBG Fund:

| | | |
|---|-----------|-------------------|
| Fund Balance- Reserve for Encumbrances | | \$ 367,239 |
| 340-0000-134-2200 | | |
| Anticipated Expenses: | | |
| 340-0000-521-2000 Professional Services | \$ 5,000 | |
| 340-0000-541-2010 Site Improvements | \$362,239 | |
| TOTAL CDBG FUND | | \$ 367,239 |

Lease Purchase Fund:

| | | |
|--|-------|--------------|
| Fund Balance- Reserve for Encumbrances | | \$ 20 |
| 910-0000-134-2200 | | |
| 910-0000-542-4000 Capital Purchases | \$ 20 | |
| TOTAL LEASE PURCHASE FUND | | \$ 20 |



AGENDA REPORT

To: Honorable Mayor and City Council Members

From: John Kachmar, City Manager

By: Monte Vavra, Finance Director

Date: January 24, 2011

Agenda: Amend Fiscal Year 2010 budget for Community Development department and the Grant Fund

Recommendation: To amend the Fiscal Year 2010 budget for the excess contractual obligation generated by building permit receipts and interest allocation to the Grant Fund as part of the fiscal year end closing process.

Issue: Upon closing the fiscal year 2011 books it was determined that a budget adjustment will need to be made to the Community Development department in the General Fund and a minor budget adjustment in the Grant Fund. The building permit revenue exceeded forecasts and since the City was contractually obligated to reimburse the contractor 90% percent the expenditures for the department also exceeded budgeted projections. The Grant Fund also recognized a small allocation of interest income which will need to be transferred to the General Fund in order to close out the year.

Financial Impact: None, budget amendment only – non cash transactions.

Attachment(s): Ordinance amending budget

**AN ORDINANCE TO AMEND AND ADOPT THE FISCAL YEAR 2010 BUDGET FOR
THE GENERAL FUND AND THE GRANT FUND OF THE CITY OF JOHNS CREEK,
GEORGIA, APPROPRIATING THE EXPENDITURES, AND ADOPTING THE
REVISED ANTICIPATED REVENUES.**

WHEREAS, a 2010 Budget for each of the funds of the City was adopted by the Mayor and City Council at the Council meeting on September 29, 2009; and

WHEREAS, the City of Johns Creek Community Development Department realized Building Permit revenue that exceeded the revised 2010 budget projections and contractually is obligated to expend ninety percent (90%) of Building Permit revenues.

WHEREAS, the City of Johns Creek Grant Fund realized an allocation of interest earnings and the fund was prior to the closing to the fund to the General Fund and such interest was authorized to be transferred to the General Fund.

WHEREAS, the monies received will be balanced and offset by designated expenditures, such that anticipated funding sources equal or exceed proposed expenditures; and

WHEREAS, the Mayor and City Council intend to amend the General Fund Operating Budget and the Grant Fund Budget for the Fiscal Year 2010.

NOW THEREFORE BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Johns Creek while in regular session on February 14, 2011 that:

Section 1: the Budget Amendment, shown as "Exhibit A" attached hereto and by this reference made a part of this Ordinance, and shall be made part of the 2010 General Fund Operating Budget and Grant Fund Budget; and

Section 2: this Revised Budget is hereby approved and that the revised anticipated revenue presented is adopted in the amount shown and that the amount shown for General Fund as revised expenditures are hereby appropriated to the General Community Development department; and

Section 3: this Revised Budget is hereby approved and that the revised anticipated revenue presented is adopted in the amount shown and that the amount shown for Grant Fund as revised expenditures are hereby appropriated to the Grant Fund; and

Section 4: any increase or decrease in appropriations or revenues of any fund or for any department require approval of the Mayor and Council; and

- Section 5:** as provided in Section 6.27 of the City Charter, such amendments to the Budget may be made by majority vote of the Mayor and Council at any business meeting; and
- Section 6:** the expenditures shall not exceed the appropriations authorized by this Budget Amendment thereto and that expenditures for the fiscal year shall not exceed actual funding available; and
- Section 7:** the City Manager or his designee may promulgate all necessary internal rules, regulations and policies to ensure compliance with this Budget Ordinance.

SO ORDAINED, this the 14th day of February, 2011.

Approved:

Michael E. Bodker, Mayor

ATTEST:

Approved as to Form and Content:

Joan Jones, City Clerk

William F. Riley, City Attorney

(Seal)

**2010 BUDGET AMENDMENT
February 14, 2011
ATTACHMENT "A"**

General Fund:

| | |
|--|-----------|
| Anticipated Revenues – Building Residential 100-0000-323-1001 | \$ 65,772 |
|--|-----------|

| | |
|---|----------|
| Anticipated Revenues – Building Commercial 100-0000-323-1002 | \$ 4,096 |
|---|----------|

| | |
|---|-----------|
| Anticipated Expenses – Community Development Other IGA 100-7410-521-2008 | \$ 69,868 |
|---|-----------|

Grant Fund:

| | |
|---|-------|
| Anticipated Revenues – Interest Earnings 220-0000-361-1000 | \$ 14 |
|---|-------|

| | |
|--|-------|
| Anticipated Expenses – Transfer to General Fund 200-0000-591-6110 | \$ 14 |
|--|-------|

**RESOLUTION CALLING FOR THE 2011 ELECTION AND TO FIX AND PUBLISH THE
QUALIFYING FEES FOR THE GENERAL MUNICIPAL ELECTION FOR THE CITY OF
JOHNS CREEK, FOR THE OFFICES OF COUNCILMEMBERS OF COUNCIL POSTS 2, 4,
AND 6**

WHEREAS, pursuant to O.C.G.A. § 21-2-9(b), and the City Charter for the City of Johns Creek, the offices of Councilmembers of Council Posts 2, 4, and 6 shall be elected on the Tuesday next following the first Monday in November, 2011; and

WHEREAS, pursuant to O.C.G.A. § 21-2-131, the City Council shall fix and publish the qualifying fees for the municipal offices to be filled in the upcoming election no later than February 1st of the year in which an election is to be held. The qualifying fee shall be equal to three percent (3%) of the total gross salary of the office paid in the preceding calendar year; and

WHEREAS, pursuant to O.C.G.A. § 21-2-501(c), in instances in which no municipal candidate receives a majority of the votes cast, a run-off election shall be held on the twenty-eighth (28th) day after the day of holding the first election between the candidates receiving the two highest numbers of votes.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council for the City of Johns Creek that:

- Section 1** The date of the Municipal Election for the Offices of Councilmember of Council Posts 2, 4, and 6 is hereby established to be Tuesday, November 8, 2011; and
- Section 2** The qualifying fee for each council seat is \$450. Each candidate shall file a notice of candidacy in the office of the City Clerk of Johns Creek between Monday, August 29, 2011 and Wednesday, August 31, 2011, between the hours of 8:30am and 12:30pm, and 1:30pm and 4:30pm. Each candidate must meet the qualifications of the Charter and Code of the City of Johns Creek, as well as applicable state laws; and
- Section 3** In the event no candidate receives a majority of the votes cast, a Run Off Election shall be held Tuesday, December 6, 2011, between the candidates receiving the two highest number of votes; and
- Section 4** This resolution shall become effective upon passage.

Approved;

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

AGENDA REPORT



To: Honorable Mayor and City Council Members

From: John Kachmar, City Manager

By: Kirk Franz, Recreation Manager

Date: February 10, 2011

Agenda: February 14, 2011 Council Agenda Item: Moved from the January 31st Work Session on Parks & Rec.

Recommendation: To approve Resolution 2011-02-08 establishing a Non-Resident Fee Policy for the City of Johns Creek Recreation & Parks Division to include:

- A 2-week priority registration period for Johns Creek Residents
- A 50% non-resident fee for all City and City-contracted recreational programs, excluding programs at Autrey Mill Nature Preserve
- A 50% non-resident fee for all park facility rentals
- A non-resident fee for adult athletic programs of \$15.00 per non-resident on the team roster.

Issue: The Parks & Recreation Master Plan recommends establishing a non-resident fee policy. The City's Recreational Programs have a large number of non-resident participants that are resulting in increased park maintenance costs. Non-resident participants are not paying any fees or taxes that contribute to park maintenance costs or improvements through the City's General Fund.

Financial Impact: Adoption of a 50% non-resident fee policy is anticipated to generate approximately \$140,000.00 annually in non-resident fees.

Background: Council was presented with non-resident fee policy recommendations at the January 31 Work Session.

Lose & Associates / Parks & Recreation Master Plan Recommendation: 1. Establish a priority registration period for residents. 2. Implement a 50% non-resident fee for all programs. 3. Implement a 100% non-resident fee for all park facility rentals.

Recreation & Parks Advisory Committee Recommendation: 1. Establish a 2-week priority registration period for residents. 2. Implement a 25% non-resident fee for all programs. 3. Implement 25% non-resident fee to the Autrey Mill Membership Rate. 4. Implement a 25% non-resident fee for all park facility rentals.. 5. All park-related non-resident fees collected by the City should be allocated towards future park improvements.

City Staff Recommendation: 1. Establish a 2-week priority registration period for residents. 2. Implement a 50%-75% non-resident fee for all programs. 3. Implement a 100% non-resident fee for all park facility rentals. 4. Implement a City surcharge on all Autrey Mill Nature Preserve programs.

Council has been presented with information on neighboring jurisdiction's non-resident fee policies and park fees. All non-resident fees collected by our park associations are required to be paid directly to the City of Johns Creek.

Alternative Approaches: City Council may establish a priority registration period for residents of a different length of time. Council may establish a non-resident fee for programs and/or facility rentals that is higher or lower than recommended.

Concurrent Review: Buzz Boehm, Deputy City Manager
Monte Vavra, Finance Director
Ken Hildebrandt, Director of Public Works
Scott Hastey, Assistant City Attorney

Attachment(s): Non-Resident Fee Policy PowerPoint Presentation
Program Fees of Neighboring Jurisdictions
Resolution 2011-02-08
Draft Non-Resident Fee Policy



CITY OF
JOHNS CREEK
GEORGIA



Who are Residents? Who are Non-Residents?

A resident is typically defined as a person whose legal domicile is located within the city limit boundaries of the City of Johns Creek.

“Non-City Resident” applies to all others.



What is a Non-Resident Fee?

A Non-Resident Fee is:

- Charged to an individual that lives outside the city limits of Johns Creek.
- Charged when a non-resident formally uses a City-owned park facility or formally participates in a City-managed recreational league, program or class.
- Charged in addition to the base resident rate
- Non-Resident fees collected by contracted Park Associations would be paid entirely to the City.



Where can Non-Resident Fees be applied?

Non-Resident Fees can be applied to any facilities owned and/or managed by the City of Johns Creek. (Newtown Park, Ocee Park, Shakerag Park & Autrey Mill Nature Preserve)



Why have a Non-Resident Fee Policy?

- **Recover increased maintenance costs.**

Non-resident use of our park facilities increase our maintenance costs that are not offset by City Resident taxes. Non-resident fees can provide additional funds to pay for increased facility maintenance and park improvement costs.

- **Demand to use our Park Facilities and many programs is high.**

We have approximately 200 acres of parks. The National Recreation & Parks Association standards recommend 5-8 acres of parkland per 1,000 residents, or approximately 350 - 560 acres for a city the population of Johns Creek. Therefore, residents are being denied the opportunity of usage of City facilities as a result of non-paying, non-residents.



Why have a Non-Resident Fee Policy?

- **Priority registration for Johns Creek Residents.**

A required priority registration period would provide Johns Creek Residents with first opportunity to register for City-managed/sponsored programs.

- Non-resident fees have been implemented by several north Fulton County cities for several years. Johns Creek residents are charged non-resident fees when they participate in neighboring park programs or use neighboring park facilities. Currently, Johns Creek does not implement any additional fees to non-resident participants in our programs or park facilities.



Summary of Non-Resident Fee Policy

Non-Resident Fee Policy

The residents of Johns Creek make a significant contribution to the financing and operation of the Parks and Recreation Division. City taxes are paid whether or not the individual participates or uses the City's parks and recreational programs/facilities.

This "Fair Share" Policy concept is intended to apportion to non-residents a fee, so that they contribute to the overall financing of the Parks and Recreation Division on a fair basis with residents. It is hoped that this policy will give not only fair treatment, but also a better understanding of fees and overall financing to both residents and non-residents.



Fall 2010 Youth Sports Association Resident vs. Non-Resident Study

Residential addresses of our Fall 2010 City Park Association participants were analyzed to determine how many participants were Johns Creek Residents vs. Non-Residents

PARK PARTICIPATION TOTALS FOR FALL 2010

- **Newtown Park - 2,651 participants**
 - Approximately 1,261 (47%) were city residents
 - Approximately 1,390 (52%) were non-residents.
 - The majority of non-resident participants reside in the City of Alpharetta and the City of Roswell.
- **Ocee Park – 515 participants**
 - Approximately 342 (66%) were city residents.
 - Approximately 173 (33%) were non-residents.
 - The majority of non-resident participants reside in the City of Alpharetta.



Non-Resident Fee Policies of the City of Johns Creek & Neighboring Jurisdictions

| | |
|--------------------|---|
| Johns Creek | No priority registration for residents \$15 non-resident fee for out of County (collected by athletic associations—paid to the City) No non-resident fee for facility rentals |
| Roswell | One-week priority registration for residents 50% non-resident fee for programs 50% non-resident fee for facility rentals |
| Alpharetta | Two-week priority registration for residents 50% - 75% non-resident fee for programs 25% non-resident fee for facility rentals |



Non-Resident Fee Policies of Neighboring Jurisdictions

City of Milton

Two-week priority registration for residents

50% non-resident fee for programs

50% non-resident fee for facility rentals

Forsyth County/

No priority registration for residents

Sharon Springs Park/

20% non-resident fee for programs

South Forsyth Soccer

20% non-resident fee for facility rentals

Complex

Potential Non-Resident Fee Policy Revenue from Athletic Association Programs

Based on preliminary analysis of 2009 Newtown Park and Ocee Park athletic association program participation, potential annual revenue from a Non-Resident Fee Policy for Recreation Programs would be:

25% Non-Resident Fee = Approximately \$72,000

50% Non-Resident Fee = Approximately \$144,000

75% Non-Resident Fee = Approximately \$216,000

Analysis was based on annual athletic association revenue of \$850,000, an assumption of 40% non-resident participation and an anticipated 15% reduction in non-resident participants.



Potential Non-Resident Fee Policy Revenue from Park Facility Rentals

Based on preliminary analysis of 2009 facility rentals (pavilions, clubhouse, fields, tennis, etc.) potential annual revenue from a Non-Resident Fee Policy for Park Facility Rentals would be:

25% Non-Resident Fee = Approximately \$1,700.00

50% Non-Resident Fee = Approximately \$3,400.00

100% Non-Resident Fee = Approximately \$6,800.00

Analysis was based on annual facility rental revenue of approximately \$17,000.00 and an assumption of 40% non-resident rentals.



Non-Resident Fee Policy Recommendations

Master Plan Recommendation – Lose & Associates

- Establish a preferred registration policy for Johns Creek residents.
- Implement a 50% non-resident fee for all programs.
- Implement a 100% non-resident fee for all facility rentals.



Non-Resident Fee Policy Recommendations

Recreation & Parks Advisory Committee Recommendation

- Establish a preferred resident registration period of two weeks.
- Implement a 25% non-resident fee for all City and Athletic Association programs.
- Implement a 25% non-resident fee to the Autrey Mill Membership rate.
- Implement a 25% non-resident fee for all park facility rentals.
- All park-related non-resident fees collected by the City will be allocated towards future park improvements.



Non-Resident Fee Policy Recommendations

Staff Recommendation

- Establish a preferred resident registration period of two weeks.
- Implement a 50% - 75% non-resident fee for all City and Athletic Association programs.
- Implement a 100% non-resident fee for all park facility rentals.
- Implement a City surcharge on all Autrey Mill Nature Preserve programs.



DISCUSSION / QUESTIONS

- Direction to Staff / Recreation & Parks Advisory Committee



2011 RECREATIONAL FEE COMPARISONS

REC SOCCER

| | | | |
|--|----------------------------|-----------------------------------|---------------------------------|
| <u>JOHNS CREEK - NEWTOWN PARK</u> | <u>Resident Fee</u> | <u>Non-Resident Fee*</u> | <u># of Games/Season</u> |
| Rec Soccer | \$115.00 | \$130.00 <i>*out of County</i> | 8 - 10 |
| <u>CITY OF ALPHARETTA</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| U-6 | \$80.00 | \$140.00 | 8 |
| U-8 | \$100.00 | \$175.00 | 8 |
| U-10 + | \$140.00 | \$245.00 | 10-12 |
| <u>City of Roswell</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| Rec Soccer | \$98.00 | \$147.00 | |

REC BASEBALL / SOFTBALL

| | | | |
|--|----------------------------|-----------------------------------|---------------------------------|
| <u>NEWTOWN PARK</u> | <u>Resident Fee</u> | <u>Non-Resident Fee*</u> | <u># of Games/Season</u> |
| Rec Baseball | \$115.00 | \$130 <i>*out of County</i> | 8 - 10 |
| <u>OCEE PARK</u> | <u>Resident Fee</u> | <u>Non-Resident Fee*</u> | <u># of Games/Season</u> |
| T-Ball | \$175.00 | \$190.00 | 18 |
| Baseball | \$210.00 | \$225.00 | 14 + tournament |
| Softball | \$210.00 | \$225.00 <i>*out of County</i> | 14 + tournament |
| <u>Alpharetta - Webb Br Park</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| T-Ball | \$125.00 | \$218.75 | 10 |
| 7 - 12 yr olds | \$150.00 | \$262.50 | 12 |
| <u>Alpharetta - Wills Park Baseball</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| 5 - 7 yr olds | \$125.00 | \$218.75 | 12 |
| 8 yr olds | \$150.00 | \$262.50 | 15 |
| 9-15 yr olds | \$200.00 | \$312.50 | 15 |
| 16-18 yr olds | \$215.00 | \$327.50 | 15 |
| <u>Alpharetta - Youth Softball Assoc.</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| 5 yr olds | \$125.00 | \$218.75 | |
| 6 - 11 yr olds | \$135.00 | \$236.25 | |
| 12 - 15 yr olds | \$145.00 | \$253.75 | |
| <u>City of Roswell</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| Rec Baseball | \$144.00 | \$216.00 | |
| <u>City of Milton - Hopewell Baseball Assoc..</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| 4-5 yr olds | \$180.00 | \$270.00 | 12-14 |
| 6-8 yr olds | \$200.00 | \$300.00 | 12-14 |
| 9-15 yr olds | \$235.00 | \$352.50 | 12-14 |
| <u>Forsyth County - Sharon Springs Park</u> | <u>Resident Fee</u> | <u>Non-Resident Fee</u> | <u># of Games/Season</u> |
| Fall Baseball/Softball | \$65.00 | \$78.00 | 8-10 |

REC LACROSSE

| | | | |
|--|---|---|--|
| <u>NEWTOWN PARK</u> Rec Lacrosse | <u>Resident Fee</u> \$150.00 - \$170.00 | <u>Non-Resident Fee*</u> \$165.00 - \$185.00 <i>*out of County</i> | <u># of Games/Season</u> 8 - 10 |
| <u>CITY OF ALPHARETTA</u> Rec Lacrosse | <u>Resident Fee</u> \$150.00 | <u>Non-Resident Fee</u> \$262.50 | <u># of Games/Season</u> 10 - 12 |
| <u>City of Roswell</u> Rec L acrossse | <u>Resident Fee</u> \$154.00 | <u>Non-Resident Fee</u> \$231.00 | <u># of Games/Season</u> |

FLAG FOOTBALL

| | | | |
|---|--|--|---|
| <u>NEWTOWN PARK</u> Flag Football | <u>Resident Fee</u> \$115.00 | <u>Non-Resident Fee*</u> \$130.00 <i>*out of County</i> | <u># of Games/Season</u> 8 - 10 |
| <u>Alpharetta Youth Football Assoc.</u> Flag Football | <u>Resident Fee</u> \$135.00 | <u>Non-Resident Fee</u> \$288.75 | <u># of Games/Season</u> |
| <u>City of Roswell</u> Flag Football | <u>Resident Fee</u> \$110.00 | <u>Non-Resident Fee</u> \$165.00 | <u># of Games/Season</u> |
| <u>Johns Creek Youth Football Association</u> Flag Football | <u>Resident Fee</u> \$150.00 | <u>Non-Resident Fee</u> n/a | <u># of Games/Season</u> 8 |

TACKLE FOOTBALL

| | | | |
|---|--|--|--|
| <u>City of Alpharetta / Alpharetta Eagles</u> Tackle Football | <u>Resident Fee</u> \$299.00 | <u>Non-Resident Fee</u> \$411.50 | <u># of Games/Season</u> |
| <u>Forsyth County / Sharon Springs Park</u> Tackle Football | <u>Resident Fee</u> \$295.00 | <u>Non-Resident Fee</u> \$295.00 | <u># of Games/Season</u> 8 plus tournament |
| <u>Johns Creek Youth Football Assoc.</u> Tackle Football | <u>Resident Fee</u> \$350.00 | <u>Non-Resident Fee</u> \$350.00 | <u># of Games/Season</u> 8-10 |
| <u>City of Roswell</u> Tackle Football | <u>Resident Fee</u> \$260.00 | <u>Non-Resident Fee</u> \$390.00 | <u># of Games/Season</u> |

**A RESOLUTION TO AUTHORIZE AND APPROVE A RECREATION AND PARKS
NON-RESIDENT FEE POLICY FOR THE CITY OF JOHNS CREEK**

- WHEREAS:** The Mayor and Council for the City of Johns Creek are charged with the protection of the health, safety, and welfare of the citizens of Johns Creek; and
- WHEREAS:** The City is authorized to regulate and maintain the public parks of the City of John Creek; and
- WHEREAS:** The recreation programs provided at City parks have a large number of non-resident participants that are resulting in increased park maintenance costs; and
- WHEREAS:** Such non-resident participants are not currently assessed any fees or taxes that contribute to park maintenance costs; and
- WHEREAS:** The payment of a non-resident fee will help fund the maintenance costs incurred as a result of non-residents' use of City parks; and
- WHEREAS:** The City's Recreation and Parks Advisory Committee ("RPAC") and City staff have recommended that the City adopt a non-resident fee policy for recreation programs and the rental of Park facilities; and
- WHEREAS:** RPAC and City staff have also recommended that the City adopt a policy providing for priority registration for recreation programs for City residents; and
- WHEREAS:** The Non-Resident Fee Policy attached hereto and incorporated herein ("Non-Resident Fee Policy") has been reviewed, and it is desired that such Non-Resident Fee Policy be adopted as the Non-Resident Fee Policy for the City of Johns Creek.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Johns Creek, as follows:

1. The Non-Resident Fee Policy is hereby approved and adopted as the Non-Resident Fee Policy for the City of Johns Creek; and
2. The provisions of the Non-Resident Fee Policy shall become effective June 1, 2011.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(Seal)

CITY OF JOHNS CREEK

RECREATION & PARKS DIVISION

NON-RESIDENT FEE POLICY

The goal of the Johns Creek Recreation & Parks Division is to provide quality programs and services to the citizens of the City of Johns Creek (the “City”). Registration policies and procedures are in place to ensure that City residents are afforded the first opportunity to enroll into recreation programs. Proof of residency, as deemed acceptable by the City, must be provided upon request.

1. City Residents are given the first opportunity to register for all programs. A “City Resident” is defined as any person whose legal domicile is located within the corporate limits of the City. The Johns Creek Recreation & Parks Division and any City-contracted recreation program providers (“Athletic Associations”) will offer two (2) weeks advance registration to City Residents for programs/activities before registration is open to the general public. Open registration begins two (2) weeks after the beginning of City Resident registration.
2. Any person whose legal domicile is outside of the corporate limits of the City (such person referred to herein as a “Non-Resident”) and who wishes to register for programs offered in City Parks, other than Autrey Mill Nature Preserve & Heritage Center, will be charged an additional fee in order to participate in City recreation programs (such additional fee referred to herein as the “Non-Resident Fee”). The Non-Resident Fee is required to be collected by all Athletic Associations, as recreation program providers, and paid to the City. If an Athletic Association does not collect the Non-Resident Fee, the Athletic Association will still be required to pay the City of Johns Creek an amount equivalent to the Non-Resident Fee that the Athletic Association failed to collect.
3. For City recreation programs, the Non-Resident Fee shall be an amount equivalent to fifty percent (50%) of the registration fee charged to City Residents; provided however, for adult recreation programs that provide for team athletics, the Non-Resident Fee shall be assessed by requiring an additional fee of fifteen dollars (\$15) for every Non-Resident on the team roster.
4. Any Non-Resident who wishes to rent a recreational facility in a City Park, other than Autrey Mill Nature Preserve & Heritage Center, will be charged an additional fee equivalent to fifty percent (50%) of the facility rental fee charged to City Residents (such additional fee referred to herein as the “Non-Resident Facility Rental Fee”).
5. All Non-Resident Fees and Non-Resident Facility Rental Fees received by the City shall be deposited into the City’s General Fund.
6. Athletic Associations shall be required to verify the residency status of all recreation participants that register as City Residents, and such verifications shall be performed in a manner approved by the City. Individuals that provide false information in order to register for recreation programs or rent City Park facilities at residential rates or during the City Resident registration period shall be denied registration and/or dropped from the program with no refund or shall be denied the right to reserve the facility and/or have their reservation cancelled with no refund, as applicable.

AGENDA REPORT

To: Honorable Mayor and City Council Members

From: John Kachmar, City Manager

By: Kirk Franz, Recreation Manager

Date: February 10, 2011

Agenda: February 14, 2011 COUNCIL MEETING AGENDA- Moved from January 31st Work Session

Recommendation: To approve Resolution establishing Park Facility Rental Fees for the City of Johns Creek Recreation & Parks Division to include:

Park Facility Rental Fees:

| | |
|--|-------------------------|
| Multipurpose Field | Resident - \$45.00/hour |
| Baseball/Softball Field | Resident - \$45.00/hour |
| Lights | Resident - \$25.00/hour |
| Small Pavilion (#) | Resident - \$15.00/hour |
| Large Pavilion (#) | Resident - \$30.00/hour |
| Tennis Court (#) | Resident - \$5.00/hour |
| Newtown Clubhouse (#) | Resident - \$30.00/hour |
| (#) = requires a 2-hour minimum rental | |

Issue: The Parks & Recreation Master Plan recommends establishing park facility rental fees. These fees are established through resolution of City Council.

Financial Impact: All facility rental fees are collected by the City of Johns Creek. Park facility rentals are projected to generate approximately \$15,000.00 in revenue.

Background: The City's Comprehensive Parks & Recreation Master Plan recommends the establishment of Park Facility rental fees.

Alternative Approaches: City Council may establish higher or lower park facility rental fees.

Concurrent Review: Buzz Boehm, Deputy City Manager
Monte Vavra, Finance Director
Ken Hildebrandt, Director of Public Works

Attachment(s): Park Facility Rental Fees of the City of Johns Creek and neighboring jurisdictions

RECREATION FACILITY "RESIDENT" FEES

| | Current City of Johns Creek | <i>Recommended by Master Plan City of Johns Creek</i> | | | | |
|--------------------------|--------------------------------|---|--------------------------------|-----------------|----------------|-----------------------|
| | | | City of Alpharetta | City of Roswell | City of Milton | City of Sandy Springs |
| Multi-Purpose Field | \$45/hour | \$45/hour | \$50/hr (grass) \$75/hr (turf) | not reported | n/a | \$18.75/hour* |
| Baseball/Softball Field | \$45/hour | \$45/hour | \$50/hour | not reported | \$25/hour | \$18.75/hour* |
| Lights | \$25/hour | n/a | \$35/hour | not reported | \$25/hour | not reported |
| Small Picnic Pavilion | \$25/hour* | \$35/hour* | \$10/hour* | not reported | n/a | \$17.50/hour* |
| Large Picnic Pavilion | \$40/hour* | \$60/hour* | \$10/hour* | not reported | n/a | \$25/hour* |
| Tennis Court | \$5/hour* | \$10/hour* | \$3.75/hour* | not reported | na/ | Free |
| Meeting Room / Clubhouse | \$30/hour* | \$50/hour* | \$70/hour | not reported | \$41.66/hour* | \$23.75/hour* |

* 2-hour minimum

* 2-hour minimum

* 2-hour minimum

*3-hour minimum * 4-hour minimum

**A RESOLUTION ADOPTING AND APPROVING PARK FACILITY RENTAL FEES FOR THE
CITY OF JOHNS CREEK**

WHEREAS, the Charter of the City of Johns Creek authorizes the City to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS, the City's Recreation and Parks Advisory Committee ("RPAC") and City staff have recommended that the City adopt Park facility rental fees for the reservation and/or use of certain Park facilities; and

WHEREAS, the City desires to adopt Park facility rental fees for the reservation and/or use of certain Park facilities ("Park Facility Rental Fees").

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Johns Creek that the following Park Facility Rental Fees are hereby adopted:

| | |
|-------------------------|--------------|
| Multipurpose Field | \$45.00/hour |
| Baseball/Softball Field | \$45.00/hour |
| Lights | \$25.00/hour |
| Small Pavilion (#) | \$15.00/hour |
| Large Pavilion (#) | \$30.00/hour |
| Tennis Court (#) | \$5.00/hour |
| Newtown Clubhouse (#) | \$30.00/hour |

(#) = requires a 2-hour minimum rental

NOTE – Effective June 1, 2011, if the registrant is a non-resident of the City of Johns Creek, an additional fee equivalent to fifty percent (50%) of the applicable fee provided above will be assessed in accordance with the City's Recreation and Parks Non-Resident Fee Policy.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2011.

Approved:

Michael Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

Seal

**RESOLUTION AUTHORIZING THE CAPITAL IMPROVEMENT FUND TRANSFER FROM
THE CONTINGENCY ACCOUNT TO THE SHAKERAG PROJECT ACCOUNT IN THE
AMOUNT OF THREE HUNDRED NINETY FIVE THOUSAND FIVE HUNDRED DOLLARS
(\$395,500)**

WHEREAS, the City of Johns Creek, Georgia (the City) had established a contingency account in the Fiscal Year 2011 Capital Improvement Fund budget to reserve funds for Shakerag Park improvements; and

WHEREAS, the City Council desires to reallocate such funds for the rehabilitation of the athletic fields at Shakerag Park for Fiscal Year 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Johns Creek while in Regular Session on February 14, 2011 that:

Section 1. The Mayor and City Council hereby approves the transfer of three hundred ninety-five thousand five hundred dollars (\$395,500) from the Capital Improvement Fund contingency account to the site improvement account (300-0000-541-2000) be used to pay for the rehabilitation of the athletic fields at Shakerag Park.

Section 2. The transfer of funds shall be allocated to the Shakerag rehabilitation project as follows:

| | |
|---|-----------|
| Irrigation | \$200,000 |
| Lake pump (electrical, piping, Housing, etc.) | 12,000 |
| Bermuda grass sod | 168,000 |
| Laser grading | 11,000 |
| Project contingency | 4,500 |

Approved:

Michael E. Bodker, Mayor

SEAL

Attest:

Joan C. Jones, City Clerk

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO REQUEST THE CITY
OF JOHNS CREEK'S GEORGIA LEGISLATIVE DELEGATION TO INTRODUCE
CERTAIN AMENDMENTS TO THE CITY CHARTER FOR THE 2011 LEGISLATIVE
SESSION**

WHEREAS, the City of Johns Creek Mayor and City Council is charged with the legislative authority for the City of Johns Creek; and

WHEREAS, the City Council, from time to time, proposes that certain portions of the City Charter, originally passed by the Legislature in 2006 as HB 1321, be amended to ensure legal and orderly administration and governance of the City; and

WHEREAS, the City Council wishes to request that the City's Delegation in the Georgia Legislature (the "City's Legislative Delegation") propose certain amendments to the City Charter, as listed below, for the 2011 Legislative Session; and

WHEREAS, the City Council wishes to authorize the City Attorney to present this request to the City's Legislative Delegation for the purpose of introducing certain legislative amendments to the City Charter; and

WHEREAS, the City Council hereby requests such amendments to the City Charter.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF JOHNS CREEK HEREBY RESOLVE to authorize the City Attorney to present the following requested amendments to the City Charter to the City's Legislative Delegation to introduce at the 2011 Legislative Session, and such resolution is hereby made with the consent of the undersigned members of the City Council for the City of Johns Creek:

SECTION 1: The City Council hereby resolves to request the Georgia Legislature to amend Section 3.23 of the Charter by striking same and replacing in lieu thereof the following language:

Sec. 3.23 – City manager; appointment; qualification; compensation; and removal

- (a) The mayor shall appoint for an indefinite term an officer whose title shall be the "city manager." The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.
- (b) The mayor or a councilmember may recommend the removal of the city manager from office in accordance with the following procedures:
 - (1) In response to such recommendation, the city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons

for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;

- (2) Within ten days after a copy of the resolution is delivered to the city manager, that person may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

- (c) The city manager shall continue to receive the city manager's salary until the effective date of a final resolution of removal.

SECTION 2: The City Council hereby resolves to request the Georgia Legislature to make the following amendment to Section 4.12 of the City Charter:

Underline – additions

~~Strikethroughs~~ – deletions

Sec. 4.12. City Attorney

The mayor shall nominate a city attorney subject to ratification by the city council who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The city attorney shall serve at the pleasure of the city council ~~mayor~~. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the council as directed, shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required by virtue of the position of city attorney. The city council shall provide for the compensation of the city attorney.

SECTION 3: The City Council hereby resolves to request the Georgia Legislature to make the following amendment to Section 6.11(b) of the City Charter:

Underline – additions

~~Strikethroughs~~ – deletions

Sec. 6.11. Millage

- (b) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731, unless a higher millage rate is recommended by resolution of the city council and subsequently approved by referendum by a majority of the eligible voters

of the city ~~voting in the~~ referendum. This millage rate limit shall apply to the millage rate actually levied and shall not apply to the hypothetical millage rate computed under subsection (a) of Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint county and municipal sales tax.

SECTION 4: The City Council hereby resolves to request the Georgia Legislature to make the following amendment to Section 6.24 of the City Charter:

Underline – additions

~~Strikethroughs~~ – deletions

Sec. 6.24. Operating Budget

On or before a date fixed by the City Council but not later than 1560 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the city manager may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 5: The City Council hereby resolves to request the Georgia Legislature to make certain amendments to Appendix A and B (Legal Description of the geographic boundaries of the City) of the City Charter, as attached hereto and incorporated herein as Exhibit A.

SO RESOLVED AND EFFECTIVE, this ____ day of _____, 2011.

Approved:

Michael E. Bodker, Mayor

Consented by:

Randall Johnson, Post 1

Dan McCabe, Post 2

Karen Richardson, Post 3

Ivan Figueroa, Post 4

Kelly Stewart, Post 5

Bev Miller, Post 6

Attest:

Joan C. Jones, City Clerk

(Seal)

EXHIBIT A

- **On lines 31-32 of Page 51, strike the following language:**

“thence running north along the east line of Land Lots 58, 57, and 56, aforesaid District and Section, to a point at the intersection of Land Lots 55, 56, 77 and 78, aforesaid District and Section;”

And substitute the following language:

-“thence running north along the east line of Land Lots 58, 57, and 56, aforesaid District and Section, to a point at the intersection of said land lot line of Land Lot 56 and the southern right-of-way of Brooks Bridge Crossing; thence leaving said land lot line running westerly along the south right-of-way Brooks Bridge Crossing, northerly along the west right-of-way of Brooks Bridge Crossing, and easterly along the north right-of-way of Brooks Bridge Crossing to the point at the intersection of the said right-of-way and the east line of Land Lot 56; thence leaving said right-of-way of Brooks Bridge Crossing and running north along the east line of Land Lot 56 to a point at the intersection of Land Lots 55, 56, 77 and 78, aforesaid District and Section;”

- **Beginning at Line 8 of Page 53, strike the following language:**

“thence leaving said south land lot line running north to and along the east line of said subdivision continuing along said course across the right-of-way of Kimball Bridge Road to a point on the northwesterly right-of-way of Kimball Bridge Road;”

And substitute the following language:

“thence leaving said south land lot line running north to and along the east line of said subdivision to a point on the southeasterly right-of-way of Kimball Bridge Road, thence southwesterly along the southeasterly right-of-way of Kimball Bridge Road to a point 220 feet more or less southwesterly, as measured along said right-of-way, from the east line of Land Lot 119, thence North 17 degrees 00 minutes 50 seconds east across Kimball Bridge Road to the northwesterly right-of-way of Kimball Bridge Road at the southwestern corner of the property of the North Fulton Jewish Center, Inc. as described in that certain General Warranty Deed recorded in Deed Book 27176, page 276, Official Deed Records of Fulton County, Georgia;”

- **On Lines 12-13 of Page 53, strike the following language:**

“at the intersection of said right-of-way with the westerly right-of-way of Fox Road;”;

And substitute the following language:

“where said right-of-way intersects the southwest corner of that certain parcel of land (Fulton County tax id# 11044001940274, according to the parcel numbering system existing on January 1, 2009) described in that certain Warranty Deed, dated March 9, 2006, recorded in Deed Book 42235, Page 542, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running northerly along the west property line of said parcel of land (Fulton County tax id# 11044001940274) and thence easterly along the north property line of said parcel of land (Fulton

County tax id# 11044001940274) to a point where said north property line intersects the westerly right-of-way of Fox Road;”

- **On Lines 16-26 of Page 54 of the Charter, strike the following language:**

“thence leaving said right-of-way running southerly and easterly along the north property line of said Calumet Subdivision to the point where said north property line intersect the southeast corner of that certain parcel of land (Fulton County tax id# 21572011240102, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated April, 1982, recorded in Deed Book 8114, page 202 Official Deed Records of Fulton County, Georgia; thence leaving said north property line of Calumet Subdivision running north along the east property line of said parcel of land (Fulton County tax id# 21572011240102) following the course thereof to a point on the line dividing Fulton County, Georgia and Forsyth County, Georgia; running thence southeasterly along said Fulton-Forsyth County line”;

And substitute the following language:

““thence leaving said right-of-way running S 00 degrees 32 minutes 38 seconds E a distance of 247.81 feet along the line dividing Lot 33 of Calumet Subdivision from that certain parcel of land (Fulton County tax id#21572011240128) to the southeast corner of said tax parcel, said point also being on the north line of Lot 34 of Calumet Subdivision, thence westerly along the line dividing Calumet Subdivision and the south line of tax parcel 21572011240128 and the south line of tax parcel # 21572011240102 to a point on the easterly right-of-way line of Douglas Road (60’ right-of-way); thence northerly along the easterly right-of-way line of Douglas Road to a point identified as KC5013 on that certain survey attached to and made a part of a Fulton County Right of Way Deed recorded at Deed Book 35547, page 150, Official Records of Fulton County; thence westerly across Douglas Road to a point on the westerly right-of-way of Douglas Road; thence northerly along the westerly right-of-way of Douglas Road to its intersection with the north right-of-way of McGinnis Ferry Road; running thence southeasterly to a point identified as KC302019, as shown on Drawing No. RW-01 of the set of plans of the Department of Transportation State of Georgia for the Right-of-Way of Proposed McGinnis Ferry Road from Sargent Road to the Chattahoochee River (Project No. MSL-0004-00-(429)) dated March 14, 2005 and prepared by Moreland Altobelli Associates, Inc., which is hereby incorporated herein; thence following the northerly required right-of-way line of McGinnis Ferry Road as set out in the set of plans of the Department of Transportation State of Georgia for the Right-of-Way of Proposed McGinnis Ferry Road from Sargent Road to the Chattahoochee River (Project No. MSL-0004-00-(429)) dated March 14, 2005 and prepared by Moreland Altobelli Associates, Inc., following the courses and distances thereof to a point identified as KC302826, as shown on Drawing No. RW-49 of the set of plans of the Department of Transportation State of Georgia for the Right-of-Way of Proposed McGinnis Ferry Road from Sargent Road to the Chattahoochee River (Project No. MSL-0004-00-(429)) dated March 14, 2005 and prepared by Moreland Altobelli Associates, Inc.; thence continuing easterly along the same course and bearing to the point where said line intersects the westerly county line of Gwinnett County, Georgia; thence leaving said line and running southerly along the westerly county line of Gwinnett County, Georgia to the point where said line intersects the northeasterly point of Fulton County, Georgia, at the point where Fulton County, Georgia intersects the westerly county line of Gwinnett County, Georgia and the southerly county line of Forsyth County, said point being the point of beginning. All references and points set out herein are as of January 1, 2006 unless otherwise stated.